

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

**LINDA M. LESLIE, Regional Director of  
the Third Region of the National Labor  
Relations BOARD, for and on behalf of the  
NATIONAL LABOR RELATIONS  
BOARD**

**No. 1:22-cv-00478-JLS**

**Petitioner,**

**vs.**

**STARBUCKS CORPORATION,**

**Respondent.**

**WORKERS UNITED’S STATUS REPORT**

Movant / amicus curiae Workers United (“Union”) makes this status report pursuant to Judge Sinatra’s December 12, 2022 text order (Dkt. 70).

This morning, counsel for Workers United and the 21 other non-party individuals who were subpoenaed by Starbucks received the attached administrative Complaint. The NLRB’s Regional Office has found merit to the Union’s allegation that the subpoenas at issue in this case violated the National Labor Relations Act, and the NLRB’s General Counsel will now be prosecuting Starbucks for those violations. The parties will hold an administrative hearing on the Complaint before an NLRB ALJ starting February 9, 2023.

In light of this, Workers United respectfully renews its request that the Court stay enforcement of the 22 subpoenas duces tecum in their entirety until that administrative case is fully resolved.

The petition for writ of mandamus by Workers United and the 21 individuals is undergoing final editing, and will now be updated to incorporate this new development. The petition will be filed with the Second Circuit this week and the Court and parties will receive copies.

In addition, to the extent the petition for writ of mandamus can be construed as an appeal of the September 23, 2022 Discovery Order or the October 12, 2022 Order on Motion to Reconsider by the Second Circuit, the Union respectfully requests the Court extend the time for filing an appeal by 30 days, pursuant to Federal Rules of Appellate Procedure 4. Should the Second Circuit consider the petition an appeal, excusable neglect exists because Workers United did not view the orders as subject to interlocutory appeal, which is why Workers United is submitting the issue as a request for writ of mandamus.

Respectfully submitted,

  
\_\_\_\_\_  
Ian Hayes, Esq.

Encl.

Cc: Alicia Pender, Esq, via ECF and electronic mail  
Jacqueline Phipps Polito, Esq., via ECF and electronic mail  
Jonathan O. Levine, Esq., via ECF and electronic mail  
David A. Kadela, Esq., via ECF and electronic mail  
Jeffrey S. Hiller, Esq., via ECF and electronic mail  
Brittany L. Stepp, Esq., via ECF and electronic mail

**CERTIFICATE OF SERVICE**

I certify that on December 19, 2022, the foregoing document and attachment have been electronically filed with the Clerk of the Court using the CM/ECF system. I understand that notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Ian Hayes  
Ian Hayes